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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,419	08/06/2003	John Neil Cobb	1033-SS00390	7324

34456 7590 03/10/2006  
TOLER & LARSON & ABEL L.L.P.  
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AUSTIN, TX 78746

EXAMINER

VEILLARD, JACQUES

ART UNIT PAPER NUMBER

2165

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/635,419	<b>Applicant(s)</b> COBB ET AL.	
	<b>Examiner</b> Jacques Veillard	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-50 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is responsive to the applicant's communication filed on 8/06/2003.
2. Claims 1-50 are pending and presented for examination.

***Election/Restrictions***

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-11, drawn to a system comprising a database including a plurality of records, at least one of records including a plurality of fields for storing grammatical syntax, classified in class 707, subclass 100.
  - II. Claims 12-25, 31-38, drawn to a method of receiving a user input entered in a grammatical structure, and retrieving a first and second rhetorical element, classified in class 707, subclass 101.
  - III. Claims 20-25, 39-45, drawn to a content input tool for entering page associated with a subject, classified in class 715, subclass 505.
  - IV. Claims 26-30, drawn to a content delivery application containing a gateway program to receive request via a distribute network and generating an electronically distributable document, classified in class 709, subclass 225.
  - V. Claims 46-50, drawn to a rhetorical content model with a first and a second computer retrieval grammatical syntax, classified in class 704, subclass 009.
4. The inventions are distinct, each from the other because of the following reasons:

Inventions II, III, IV, V, and I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to

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be separately usable. In the instant case, invention I, for example, has separate utility such as it is usable in a database including a plurality of records, at least one of records including a plurality of fields for storing grammatical syntax. Without requiring a method of receiving a user input entered in a grammatical structure, and retrieving a first and second rhetorical element of Group II, or a content input tool for entering page associated with a subject of Group III, or a content delivery application containing a gateway program to receive request via a distribute network and generating an electronically distributable document of Group IV or a rhetorical content model with a first and a second computer retrieval grammatical syntax of Group V. (See MPEP § 806.05(d)).

5. Because these inventions are distinct for the reasons given above and because the search required for each group is different and not co-existensive for examination purpose, these groups would require different searches in PTO's classification class and subclass. The search required for Group I would not required for Groups II, III, IV, and V. The search required for Group II would not required for Groups I, III, IV, and V. The search required for Group III would not required for Groups I, II, IV, and V. The search required for Group IV would not required for Groups I, II, III, and V. The search required for Group V would not required for Groups II, III, IV, and I. Therefore restriction for examination purposes as indicated is proper.

6. A telephone call was made to Attorney Joseph F. Haag on 3/3/2006 to request an oral election to the above restriction requirement, but did not result in an election being made because the attorney was not available.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### *Points Of Contact*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 AM to 4:30 PM, alt. Fri. off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272- 4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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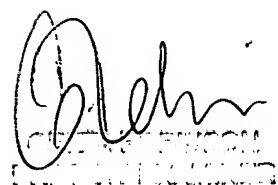
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*J.V*  
*J.V*

Jacques Veillard  
Patent Examiner TC 2100

March 6, 2006

A handwritten signature in black ink, appearing to read "J. Veillard", is written over a rectangular grid of small squares, likely a stamp or a reference grid.